

MEMORANDUM
MONROE COUNTY PLANNING DEPARTMENT
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To: Planning Commission

From: Clarence Feagin, Ph.D., AICP, Sr. Planner

Date: September 1, 2006

RE: Key Haven Estates and Enchanted Isle, Preliminary Plat Approval



I MEETING DATE: September 13, 2006

II REQUEST: Preliminary Plat Approval

The applicant is proposing to replat approximately 23 acres of land into 43 single-family residential lots and create one tract for commercial development.

The replat is of Key Haven 4th Addition Lots 19-23 and 9th Addition Lots 3-8 & 11-24; and Enchanted Island: Lots 39-44, 63-72, and 77-83.

Proposed number of lots:	43 residential lots
Total acreage under review:	23 +/- acres
Proposed average size of lots:	18,800 square feet / lot
Proposed minimum lot size:	5,000 square feet

A. Location:

1. Island & Mile Marker: Key Haven, mile marker 6
2. Address/ Common address: Raccoon Key , Enchanted Island and Key Haven Subdivision
3. Legal Description: Sections 25 & 26, Township 67 South, Range 25 East, Key Haven, Monroe County, Florida.
4. RE Number (s):

00116981.000000;	00123100.000000;
00123120.000000;	00123140.000000;
00123170.000000;	00123150.000000;
00123170.000000;	00123200.000000;
00123220.000000;	00123210.000000;
00123220.000000;	00123230.000000;
00123220.000000;	00123250.000000;
00135850.000000;	00135860.000000;
00135850.000000;	00135870.000000;
00135880.000000;	00135890.000000;
00135880.000000;	00135900.000000;
00135910.000000;	00139310.000000;
00135910.000000;	00139320.000000;
00139330.000000;	00139340.000000;
00139330.000000;	00139350.000000;
00139360.000000;	00139390.000000;
00139360.000000;	00139400.000000;
00139410.000000;	00139420.000000;
00139410.000000;	00139430.000000;

00139440.000000; 00139450.000000; 00139460.000000;
00139470.000000; 00139480.000000; 00139490.000000;
00139500.000000; 00135510.000000; and 00139520.000000

B. Applicant:

1. Owner: Key Haven Estates, LLC,
2. Agent: Tom Williams of the Craig Company

III PROCESS:

Pursuant to Section 9.5-83, preliminary plat approval is necessary for the platting of five (5) or more lots. An application and fee have been submitted to the Planning Department. The DRC has prepared a report and recommendation of approval with conditions for the Planning Commission (PC). The PC is to review the application, recommendation and report from the DRC, the testimony of the public and recommend granting preliminary plat approval, granting approval subject to specified conditions, or denying the application. An application for final plat approval shall be submitted within one (1) year of the date of preliminary approval.

IV PRIOR COUNTY ACTIONS:

The Board of County Commissioners approved Resolution 85-2005 on 02/09/05 for a Development Agreement pertaining to the subject properties. The agreement is between Key Haven Estates, LTD and Monroe County and the duration of the Agreement is ten (10) years. The permitted uses as outlined in the agreement is for forty-three (43) single-family estate lots and 10,000 square feet of commercial floor area. Through this platting application, the applicant intends on meeting this portion of the agreement which required development permits (a.k.a. plat approval) for an approved resubdivision of the subject properties.

V BACKGROUND INFORMATION:

- A. Size of Site: 23+/- acres
- B. Land use District: Improved Subdivision (IS) and Sub Urban Residential (SR)
- C. Future Land Use Designation: Residential Medium (RM) and Residential Low (RL)
- D. Proposed Tier Designation: Tier III
- E. Existing Vegetation / Habitat:

1. Vegetation:

a. Key Haven

Tract 2 of the proposed plat contains red flag wetlands, and have been delineated by the Monroe County Biologist. This area has a 100% open space requirement and will not be developed. The rest of the area is disturbed and scarified.

b. Enchanted Island

Surrounding Enchanted Island is a shoreline fringed by mangroves. The mangroves are noted on the plat as being in a conservation easement measuring from mean high water landward 15 feet. The plat also has a Note which says; “as agreed by the Monroe County Biologist, there shall not be any structures or any accessory structures, which include but are not limited to pools, decks, tiki huts, sheds ..., located in the 20 foot or 25 foot shoreline setback (depending on the lot location) from the mean high water line.”

2. Habitat:

Neither Key Haven nor Enchanted Island provides habitat known, probable, or potential for protected animal species.

F. Community Character of Immediate Vicinity:

The replatting of land will provide an additional 43 lots for detached, single family home sites. The replatted area is contiguous with a residential subdivision of about 400 residential dwelling units. The residential use resulting from the replat will be compatible with adjacent residential uses.

G. Miscellaneous:

Air Installation Compatibility Use Zone (AICUZ)

The subject site is not within the 1977 Air Installation Compatible Use Zones (AICUZ) of Naval Air Station Key West. However, Key Haven and Enchanted Island are within Noise Zones 2 and 3, respectively, of the 2004 AICUZ update. This designation means that residential uses are noise sensitive developments, and the updated 2004 AICUZ recommends that the local community determine if additional residential uses are needed and, if so, require noise reduction and attenuation measures to be incorporated into the materials and methods of housing construction. The community supported the proposed residential use of this site when public hearings were held for the rezoning of this land from commercial to residential zoning (IS and SR). Therefore the platting of lots for detached residential dwellings represents the public's interest in providing additional residential uses in the immediate vicinity. The zoning changes were approved by local government and were not appealed by the Department of Community Affairs (DCA).

VI REVIEW OF APPLICATION:

A) Density

The 43 residential lots, commercial development tract, shoreline setbacks and the like were determined through a negotiated Development Agreement between the applicant and Monroe County, and approved by Resolution 085-2005 BOCC. The Department of Community Affairs (DCA) did not appeal the Development Agreement after it was rendered to the DCA Field Office.

B) Infrastructure

1) WATER, Section 9.5-83

Letters of Coordination have been received from:

a) *The Florida Keys Aqueduct Authority (FKAA)*, Section 9.5-83

A letter from the FKAA indicates there is adequate water service to this project. The FKAA has received a preliminary set of civil drawings for the proposed water main and are under review.

b) *Office of the Fire Marshall, Monroe County*, Section 9.5-83

The Fire Marshall stated in a previous coordination letter that the cul-de-sac turn-arounds at the dead end streets on the conceptual plat shall be in accordance with NFPA recommendations and may be a "T" or "Y: , or circular type. The applicant revised the plat to incorporate the Fire Marshall's requirements. Revised plat dated June 06, 2006 deleted the cul-de-sacs and replaced them with "T" and "Y" turn-arounds and the Fire Marshall's specifications of having a minimum length 40 feet and width of 20 feet.

Approved fire hydrants shall be provided to meet necessary fire flow requirements as determined by the Fire Official, and approved by the Florida Keys Aqueduct Authority. Fire Department access shall comply with National Fire Protection Code (NFPA 1).

Furthermore, it is understood that after conceptual review of the project has been granted, preliminary fire protection plans, plans for improvements to water supply via fire hydrants, and coordination letters with the FKAA for such improvements shall be submitted to the Fire Marshall's office prior to final plat approval.

2) ELECTRICITY, Section 9.5-83

The applicant has provided a conceptual electrical utility plan. A coordination letter from Keys Energy Systems was received by the Department. The Key's Energy Services requests that the applicant provide a full set of plans and a completed project review form

(separate form for each new meter) for the replat project. These plans are necessary to ensure there is adequate service for the proposed project, as well as existing and surrounding customers.

3) SEWER, Sections 9.5-83 and 9.5-294

The applicant has provided a conceptual sewer plan, and a letter from the wastewater treatment service provider, Key Haven Utility Corporation, indicates there is adequate capacity to serve the 43 residential units proposed for Key Haven and Enchanted Island. Updated drawings for sewer and water utilities consistent with the “T” and “Y” turn-arounds will need to be provided.

As required in the Development Agreement, Key Haven Estates shall provide wastewater and sewage collection and disposal via the existing onsite package sewage treatment plant approved by the Florida Department of Environmental Protection (DEP). However, a coordination letter from the DEP regarding compliance of the facility with the State’s adopted water quality treatment standards has not been received by the County. Prior to final plat approval the County requests the applicant provide the County with a letter from DEP stating whether the Key Haven Utility treatment plant is in compliance with the State’s adopted water quality standards for this type of facility, currently and after the 43 additional units are added to it. In addition, before final plat approval the applicant shall provide the Planning Department with a letter from the Florida Department of Environmental Protection stating that the Key Haven Utility sewage treatment plant has fully satisfied all of the requirements of the Consent Order (OGC FILE NO. 05-2023-44-DW) from the Florida Department of Environmental Protection.

4) DRAINAGE, Sections 9.5-83 and 9.5-293

The applicant has provided a conceptual storm water management plan. Updated drawings for the drainage plan will need to be provided to indicate they are consistent with the revised dead end street turn-arounds required by the Fire Marshall.

A storm water management plan has been submitted to the South Florida Water Management District (SFWMD). A SFWMD Environmental Resource Permit for the storm water management master plan is required before final plat approval can be recommended by staff.

As stated in the development agreement, Key Haven Estates, LTD shall construct, own and maintain the drainage facilities.

5) STREETS, Section 9.5-293

The applicant has provided a conceptual street plan. Prior to final plat approval the applicant must address the following items:

- 1 a. As outlined in the development agreement, Key Haven Estates, LTD shall
2 construct, own and maintain all new roads and signage; and
3 b. Design of roads must be provided to the County Engineer for review, and
4 c. Updated cost estimates for road construction must be provided and
5 updated.
6

7 A letter of coordination from the County Traffic Engineer has been received by the
8 Department. The County Engineer stated that his initial concerns seem to be addressed in
9 the Preliminary Plat Application.
10

11 6) CURBS AND GUTTERS, Section 9.5-302
12

13 Cost estimates and construction drawings for curbs and gutters will be required and shall
14 be reviewed by the County Engineer prior to final plat approval
15

16 7) EASEMENTS, Section 9.5-297
17

18 The applicant's proposed plat does not show easements to be dedicated to the public for
19 utilities or infrastructure, or to be retained for private use.
20

21 Any easements for public infrastructure such as roads, drainage and utility lines, for
22 example, shall be provided pursuant to Sections 9.5-88, 9.5-90, and 9.5-297 of the
23 Monroe County Code.
24

25 8) LOTS, Section 9.5-299
26

27 Staff discussed sections of the Monroe County Code that apply to the platting process.
28 Particularly Section 9.5-83 (d) states that no plat shall be approved which creates an
29 unbuildable lot. The proposed plat indicates all lots are buildable.
30

31 9) SETBACKS, Sections 9.5-349
32

33 The applicant has shown agreed upon setbacks from various shorelines and wetland areas
34 as stipulated by Monroe County staff.
35

36 10) TRAFFIC ANALYSIS, Section 9.5-426
37

38 A letter of coordination from the County Traffic Engineer has been received by the
39 Department. The County Engineer stated that his initial concerns seem to be addressed in
40 the Preliminary Plat Application.
41

42 However, the County's Traffic Engineer recommended that the plat application should be
43 approved with the condition that development application for commercial development
44 should be accompanied by a traffic concurrency report, for which development approval
45 shall be contingent upon meeting the traffic concurrency requirements.
46

11) SIDEWALKS, Section 9.5-303

The applicant has provided cost estimates for the construction of sidewalks.

12) IMPROVEMENT GUARANTEES, Section 9.5-85

Improvement guarantees assure the installation of all required and conditioned improvements as part of final plat approval. Unless the owner can show that certain costs have already been paid, the applicant shall guarantee the following minimum amounts;

- a. Construction costs:
 - i. 130 percent of the estimated construction cost approved by the County, or
 - ii. 10 percent of a binding contract with a contractor qualified for the proposed work.
- b. Owner's engineering and platting cost.
- c. County engineering and inspection costs.
- d. Pre-acceptance maintenance cost (10% of the construction cost).
- e. Damage and nuisance guarantee (5% of the construction cost).

The form and amount shall be approved by the Planning Commission and the County Attorney.

The costs may be reviewed periodically for accuracy and are subject to adjustment upward or downward based on existing economic conditions at the time.

One of the following forms of guarantee shall be submitted to the Board of County Commissioners (BOCC) as part of an application for final plat approval;

- Cash escrow,
- Letter of Credit,
- Surety Bond.

The applicant provided the following cost estimates:

	Unit	Estimated Construction Cost	Completion Dates
		\$	
TYPE OF IMPROVEMENTS			
Street Grading	91,000 sq/ft	273,000	TBD (to be determined)
Street Base	7,200 sq/ft	143,000	TBD
Street Paving	7,200 sq/ft	143,000	TBD
Curbs	6,300 lf	137,000	TBD

Sidewalks	32,500 sq/ft	324,000	TBD
Storm sewer facilities	Not Provided		TBD
Street name Signs	6 each	2,000	TBD
Survey monuments and boxes		5,000	TBD
Trunk Lines	NA	NA	NA
Mains	2,050	153,000	TBD
Sewer Connection	44 each	44,000	TBD
Water mains	3 each	15,000	TBD
Water Supply	44 each	88,000	TBD
Fire hydrants	3 each	15,000	TBD
Street Lights	11	30,000	TBD
TOTAL COST		\$1,372,000	

11) TOTAL COST OF IMPROVEMENTS FOR WHICH GUARANTEES WILL BE REQUIRED:

Construction costs:

a.	130 percent of the estimated construction cost	\$1,372,000
b.	Owner's engineering and platting cost	?
c.	County engineering and inspection costs.	?
d.	Pre-acceptance maintenance cost (10% of the construction cost)	137,200
e.	Damage and nuisance guarantee (5% of the construction cost)	<u>68,600</u>

Total \$1,577,800

VII RECOMMENDED ACTION:

Planning Staff has proposed that the following conditions be attached to the Amendment to the Preliminary Plat application:

- 1 1.) All required permits from other local, state, or federal agencies shall be received
2 prior to final plat approval.
3

4 *South Florida Water Management District*

5 An Environmental Resource Permit from the South Florida Water Management
6 District for storm water management shall be received prior to final plat approval. If
7 necessary, the schedule of estimated construction costs will be updated with storm
8 water management cost estimates prior to final plat approval. Key Haven Estates,
9 LTD shall construct, own and maintain the drainage facilities.
10

- 11 2.) All required permits for infrastructure improvements shall be received prior to final
12 plat approval. Design of subdivision infrastructure, such as sidewalks, street signs,
13 street lights, roads, curbs and gutters shall be submitted to the County Engineer for
14 review prior to final plat approval. If necessary the schedule of estimated
15 construction costs will be updated with infrastructure cost estimates prior to final
16 plat approval.
17

18 *County Engineer Requirements*

19 Prior to final plat approval the applicant shall address the following items:
20

- 21 a. Key Haven Estates, LTD shall construct, own and maintain all new roads
22 and signage; and
23 b. Design of roads must be provided to the County Engineer for review and
24 permitting, and
25 c. Updated cost estimates for road and sign construction and maintenance
26 shall be provided and updated.
27
- 28 3.) Pursuant to Section 9.5-85 of the Monroe County Land Development Regulations
29 (LDRs) the applicant shall provide updated cost information for all subdivision
30 infrastructure improvements for which guarantees will be required prior to final plat
31 approval.
32

33 All public or private subdivision infrastructure improvements shall be guaranteed as
34 per the specifications of Section 9.5-85 of the LDRs, and such guarantees shall be
35 approved by the County Engineer, the County Attorney, and the Director of Planning
36 after final plat approval, but prior to issuance of permits to construct infrastructure.
37 All infrastructure development shall be completed within two (2) years of final plat
38 approval.
39

- 40 4.) Infrastructure improvements shall be consistent with , but not limited to, the
41 provisions of Sections 9.5-295 general requirements for site improvements, 9.5-293
42 streets, 9.5-297 easements, 9.5-298 blocks, 9.5-299 lots, 9.5-300 public sites and
43 open spaces, 9.5-301 monuments, 9.5-302 curbs and gutters, 9.5-303 sidewalks, 9.5-
44 304 installation of utilities and driveways, 9.5-305 water supply and sanitary sewer
45 service, 9.5-306 street names and signs, 9.5-307 traffic control signs, and 9.5-293 (f)
46 c. master drainage plan for subdivisions of the LDRs.

1
2 *Fire Hydrants via Water Supply*
3

4 A fire hydrant plan and a coordination letter with the FCAA for such improvements
5 shall be submitted to the Fire Marshall's office, and a letter from the Fire Marshall's
6 office stating approval of the fire hydrant plan shall be received by the Planning
7 Department before a recommendation for final plat approval can be recommended.
8 Fire Department access shall comply with National Fire Protection Code (NFPA 1).
9

- 10 5.) Provisions for the maintenance of all public or private infrastructure shall be
11 approved by the County Attorney and the Planning Director as specified in Section
12 9.5-90 of the LDRs, prior to final plat review by the Development Review
13 Committee.
14
15 6.) Provisions for limitations as to County maintenance shall be approved by the County
16 engineer and County attorney pursuant to Section 9.5-89 of the LDRs.
17
18 7.) Prior to final plat approval, any easements for public infrastructure such as roads,
19 drainage and utility lines, for example, shall be provided pursuant to Sections 9.5-88,
20 9.5-90, and 9.5-297 of the Monroe County Code.
21
22 8.) All necessary letters of coordination from other local, regional, state, or federal
23 permitting agencies shall be received by the County prior to final plat approval.
24 The following letters of coordination and/or information are remaining to be
25 received by the Department:
26

27 *Florida Department of Environmental Protection*

28 Prior to final plat approval, letters from the Florida Department of Environmental
29 Protection (DEP) shall be received by the Department of Planning addressing
30 whether the Key Haven Utility wastewater treatment plant is in compliance with the
31 State's adopted water quality standards for wastewater effluent. Before final plat
32 approval the applicant shall provide the Planning Department with a letter from the
33 Florida Department of Environmental Protection stating that the Key Haven Utility
34 sewage treatment plant has fully satisfied all of the requirements of the Consent
35 Order from the Florida Department of Environmental Protection (OGC FILE NO.
36 05-2023-44-DW).
37

- 38 9.) An application for final plat approval shall be submitted within one (1) year of the
39 date of preliminary approval. Preliminary approval shall not constitute approval of a
40 final plat or permission to proceed with development.
41
42 10.) The final approved plat shall be recorded pursuant to Section 9.5-91 of the LDRs.
43
44

45 **NOTICE** on Final Plat Approval:
46

Pursuant to Section 9.5-84 (b) LDRs, it shall be the responsibility of the developer to complete, have in final form, and submit to the development review coordinator for final processing the final plat, along with all final construction plans, required documents, exhibits, legal instruments to guarantee performance, certificates properly executed by all required agencies and parties as required in Article III of the Monroe County Land Development Regulations, the recording fee, and any other documents or information as are required by the director of planning. After receipt of a complete application for final plat approval, as determined in accordance with section 9.5-44, the development review coordinator shall submit the application and accompanying documents to the Development Review Committee.

VIII RECOMMENDATIONS

- A. Staff Recommended approval with conditions to the Development Review Committee (DRC) on August 8, 2006.
- B. DRC recommended Approval to the Planning Director.
- C. Staff and the DRC recommend approval to the Planning Commission if the above conditions are met.
- D. Planning Commission Recommendation: To be determined at the September 13, 2006 meeting.

VIV PLANS REVIEWED:

Sheet #	Title	By	Date	Revised	Received
A-1	Preliminary Plat of Key Haven and Enchanted Isle	Frederick H. Hildebrant	06/14/06	N/A	N/A
C-1A	Conceptual Water Plan	Richard J. Milelli, P.E.	01/31/06	N/A	N/A
C-1B	Conceptual Sewer Plan	Richard J. Milelli, P.E.	01/31/06	N/A	N/A
C-2A C-2B	Conceptual Drainage Plan	Richard J. Milelli, P.E.	01/31/06	N/A	N/A